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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,747	01/16/2002	Mike Oberberger	IGT1P259/P-721	7807

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EXAMINER
NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
3713	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/050,747	OBERBERGER, MIKE
	Examiner	Art Unit	
	Binh-An D. Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 April 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _51-89_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _51-89_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

The Request for Continued Examination and the Amendment filed April 3, 2006 have been received. According to the Amendment, claims 51 and 77 are amended. Currently, claims 51-89 are pending in the application. Acknowledgment has been made.

Claim Objections

On line 1 of claims 52-56, 65-69, and 78-82, the word "wherein" should be inserted after the comma (,) for clarity.

Note, applicant's response to this objection (applicant's remarks, page 9, lines 12-17) has been considered, however, the insertion of the word "wherein" before "the gaming system configuration," to particularly point to a certain component that is further limited by the claims, is strongly recommended. Should the applicant concern about grammatical problem of the claim, it is suggested that the recited word "including" to be changed to "includes."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 51-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ginsburg et al. (6,595,856) in view of Nguyen (US 2002/0071557).

Referring to claims 51, 64, and 77 Ginsburg et al. teaches a gaming system (or

method having steps for providing thereto) comprising: a plurality of gaming units (300)

coupled to a data network (Fig.6), each gaming unit having a configuration for executing

a game application enabling a player to play a game of chance on the gaming unit, a

configuration of the gaming system defined by the plurality of gaming unit configurations

(3:8-15); a memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17) storing

verification code; a monitoring apparatus separate from the gaming units (one of

gaming machine 300, 3:23-40; 9:10-21; Fig. 6) and including the memory device (mass

storage 270 or ROM 310, 3:41-65; 8:16-17), the monitoring apparatus coupled to the

data network to monitor the plurality of gaming units, the monitoring apparatus including

a processor programmed to: i) compare a real-time parameter value (live code, 8:16-27)

with the verification code parameter value, the real-time parameter value (live code)

determined from a current configuration of the plurality of gaming unit configurations, ii)

determine that the gaming system configuration is not in compliance with the verification

code when the real-time parameter exceeds the verification parameter value, and iii)

when the gaming system configuration is not in compliance with the verification code,

prevent reconfiguration of the gaming system configuration (4:24-39). Ginsburg et al.

does not explicitly teach storing a license parameter and a corresponding license

parameter value of a license for determining access to the gaming system configuration,

the license applicable to the plurality of gaming units; prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units.

Nguyen, however, teaches a secured virtual network in a gaming environment comprising storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units (paragraphs 15-17, 20, and 77). Referring to the limitation of prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units, the license identification process of Nguyen performed on the remote server only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machines. **Regarding the limitation of indicating an exceeded license parameter value**, since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit. Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Ginsburg et al. electronic security technique for gaming software with the non interruption software verification technique of Nguyen to provide a stable gaming system and enhance security as well as maximize the capability of the gaming network.

Referring to claims 52, 53, 65, 66, 78, and 79, Nguyen teaches the gaming system configuration including a function of the gaming system; and wherein the gaming system configuration including a function of a device (license server) coupled to the data network (paragraphs 15 and 16).

Referring to claims 54-56, 67-69, and 80-82, Ginsburg et al. teaches the monitoring apparatus coupled to continuously receive data from all of the plurality of gaming units (Fig.6); the monitoring apparatus further including a display coupled to the processor, the processor further programmed to display a message indicating an exceeded verification parameter when the gaming system configuration is not in compliance with the verification code (4:24-28); and the monitoring apparatus further including an input device coupled to the processor, the input device accessible by a gaming system operator (4:24-28).

Referring to claims 57, 70, and 83, wherein preventing reconfiguration of the gaming system configuration without interrupting game play on the gaming units includes preventing an operator from reconfiguring the gaming system configuration, it is obvious to prevent interruption of the game system when someone tried to tamper a game machine to keep the entire gaming system stable.

Referring to claims 58, 60, 71, 73, 84 and 86, wherein the license parameter value is a maximum allowable number of gaming units in the gaming system, and the real-time parameter value is a current number of gaming units coupled to the data network; and wherein the license parameter value is a maximum allowable number of operator workstations that may be incorporated in the gaming system, and the real-time parameter value is a current number of operator workstations coupled to the data network; since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit.

Referring to claims 59, 61-63, 72, 74-76, 85, and 87-89, Nguyen teaches the license parameter value is a valid gaming system operation mode of the gaming system, and the real-time parameter value is a current operation mode of the gaming system (i.e., the number of working or licensed game machines and the number of valid game licenses); the license parameter value is a maximum allowable number and type of reports that may be generated by the gaming system, and the real-time parameter value is a current number and type of reports being generated by the gaming system (paragraph 10); the license parameter value is a site identification of the gaming system, and the real-time parameter value is a current site identification incorporated in the gaming system; and the license parameter value is an expiration date of the license, and the real-time parameter value is a current date of the gaming system (paragraph 69).

Response to Arguments

Applicant's arguments filed April 3, 2006 have been fully considered but they are not persuasive. The applicant argued that no language in the reference of Nguyen discloses the limitation of preventing reconfiguration of the gaming system configuration without interrupting game play on the gaming unit (Applicant's remarks, page 9, last paragraph, to page 10, 3rd paragraph) is deemed not to be persuasive since the license identification process performed on the remote server only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machines.

In response to applicant's argument that there is no suggestion to combine the references (Applicant's remarks, page 10, lines 18-30), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Ginsburg et al. teaches a gaming system and method for securing the game program software and related data files used by a gaming device and for authenticating such files during game starting up and play; and Nguyen teaches a secured virtual network in a gaming environment that prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units, *i.e., the license identification process of Nguyen performed on the remote server only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machines.* Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Ginsburg et al. electronic security technique for gaming software with the non interruption software verification technique of Nguyen to provide a stable gaming system and enhance security as well as maximize the capability of the gaming network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN

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SUPERVISORY PATENT EXAMINER